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To: The Deputy Secretary

From: H - Douglas J. Bennet, Jr.

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Outline of Upcoming Human Rights Legislation

I. Legislation on the Books (See Tab C)

(1) Development Assistance Authorization (PL 94-161)

(2) Military Assistance Program Authorization (PL 94-329, Section 301)

(3) Inter-American Development Bank (PL 94-302, Section 103)

(4) African Development Fund (PL 94-302, Section 211)

(5) Trade Act of 1974 (Jackson/Vanik), (PL 93-618)

II. Upcoming Legislation with Human Rights Content

(1) International Financial Institutions (IFIs): Whether or not to put Harkin-type amendments on other IFIs (World Bank, etc.) -- House Appropriations Subcommittee hearings February 16-17; Senate Appropriations Subcommittee hearings February 24; House Banking Subcommittee hearings specifically on Harkin middle or late March (see attached at Tab A).

(2) Security Assistance Legislation -- Development Assistance Legislation: Human rights problems should center chiefly on security assistance package. Secretary Vance appears before Senate Appropriations Subcommittee hearing February 24 on entire package. Long's House Appropriations Subcommittee to start hearings early March; Humphrey SFRC Subcommittee human rights hearings early March (see attached at Tab B).

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REVIEWED BY R. Valas DATE 12/23/83

EXEMPTIONS

X

PA or [illegible] EXEMPTIONS

(3) Soviet Jews Supplemental Authorization: Went before the House and Senate Appropriations Subcommittees February 10. Will go to the Fascell HIRC Subcommittee for authorization week of February 14. Nothing scheduled yet. Oversight hearings on refugees in April/May in House Judiciary Committee may result in legislation.

(4) Turkish Defense Cooperation Agreement: May raise human rights questions on Cyprus when it comes before Congress.

(5) Human Rights Conventions Including Genocide Treaty: We are still working up our legal positions and reservations which would have to be very carefully explained to the SFRC and Senate when they go forward for ratification in late spring/early summer. The conventions are:

(a) the American Convention on Human Rights;

(b) the International Convention on the Elimination of all Forms of Racial Discrimination;

(c) the International Covenant on Economic, Social and Cultural Rights; and

(d) the International Covenant on Civil and Political Rights, with its Optional Protocol.

(6) Other Activities:

(a) Fraser's HIRC Subcommittee on International organizations may hold hearings on human rights in Argentina (March/April) and on a variety of other countries.

(b) Ongoing Korean investigations in Fraser's HIRC Subcommittee, House Ethics Committee and Inouye Senate Intelligence Committee may impact on the human rights question, especially in security assistance.

(c) Humphrey SFRC Subcommittee will hold hearings on human rights in connection with security assistance legislation (March).

(d) Trade Act oversight hearings in House Ways and Means Subcommittee (late March/April) will look at East-West trade and the effects of Jackson-Vanik.

(e) Arms sales will be reviewed on ongoing basis by SFRC Humphrey Subcommittee and HIRC concerned regional subcommittees for, among other things, possible conflicts on human rights.

(f) MFN Agreement with Romania. Yearly hearings usually in June or later on waiver for Jackson-Vanik Amendment. Trade Subcommittee of House Ways and Means Committee; Trade Subcommittee of Senate Finance Committee.

(g) Possible Philippine Base Agreement would raise human rights questions (timing indefinite).

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1. Legislative Vehicle: Authorization legislation for (a) IBRD (World Bank) capital increase, (b) fifth replenishment of IDA, (c) International Finance Corporation (IFC) capital increase, and (d) Asian Development Bank capital increase.

2. Human Rights Component: Harkin Amendment which is currently in authorizing legislation for Inter-American Development Bank and the African Development Bank. It requires the U.S. representative to vote against loans to countries with consistent patterns of gross violation of human rights, except where the loan would directly benefit the needy. The same or similar amendments could be attached to IFI authorizations this year.

3. Committees Concerned:

House Banking Subcommittee on International Development Institutions and Finance

House Appropriations Subcommittee on Foreign Operations

Senate SFRC Subcommittee on Foreign Assistance

Senate Appropriations Subcommittee on Foreign Operations

The House Banking Subcommittee Chairman is Henry Gonzalez of Texas, who fought the Harkin Amendment on the floor last year. About half of the Subcommittee members are new this year and probably will need considerable education both on the IFIs and the application of human rights restrictions.

Last year the Senate accepted the House bill without touching the Harkin Amendment. Humphrey and Case told us that, if we would try to change it, we could be assured of getting something worse. We can expect them to be sympathetic to our concerns but not opposed to "reasonable" human rights legislation on the IFIs.

NOTE: The Senate and House Appropriations Subcommittees (Inouye and C. Long) are also involved in the legislative process and can be expected to raise questions on human rights but probably would not legislate.

4. Probable Schedule: The House Banking Subcommittee has tentative plans for a hearing in middle or late March on the effectiveness and appropriateness of the Harkin Amendment. Hearings on the separate authorizations may take place in late March or early April. The Senate SFRC Subcommittee has no plans yet for hearings.

The House Appropriations Subcommittee has hearings on the FY 78 IFI appropriations scheduled for February 16-17. The Senate Appropriations Subcommittee will start hearings on February 24 with the Secretary's appearance.

Security Assistance Legislation

1. Legislative Vehicle: Authorization legislation for the FY 78 Foreign Assistance legislation; appropriations legislation for the FY 78 Foreign Assistance legislation.

2. Human Rights Component: Section 502(b) of the FAA of 1961 says it is the policy of the USG not to provide military assistance to a government which engages in a "consistent pattern of gross violations of internationally recognized human rights" and requires reports on human rights situations in recipient countries.

3. Committees Concerned:

House International Relations Committee and appropriate regional subcommittees (Authorization)

House Appropriations Committee and Long Subcommittee on Foreign Operations (Appropriations)

Senate Foreign Affairs Committee and Humphrey Subcommittee on Foreign Assistance (Authorization)

Senate Committee on Appropriations and Inouye Subcommittee on Foreign Operations (Appropriations)

House and Senate action on the Security Assistance bill will very much depend on Congressional perceptions of what the Administration is doing in the human rights field. If they are satisfied we are moving, we should be able to stave off major human rights based cuts; if not, we will be in for trouble.

The HIRC has been very interested in human rights and last year cut Korea dramatically on human rights grounds but refused to cut Indonesia and the Philippines. The Korean cut was later defeated on the floor.

The House Appropriations Subcommittee on Foreign Operations led last year by Passman did not cut Korea badly but did delete, at Koch's insistence, assistance to Uruguay on human rights grounds. Korea will be in bad shape in the Subcommittee without Passman's championship as the Subcommittee generally will be more liberal on human rights this year. The Appropriations Committee last year rubber-stamped Passman's report: There is no indication yet on how they will react to Long.

The SFRC Humphrey Subcommittee and the full Committee were less active on human rights issues, letting the House take the lead except on Chile, but supporting the House human rights views in conference. The Humphrey Subcommittee will hold human rights hearings in early March.

4. Probable Schedule:

February 15-24 -- Submission of Security Assistance figures to Congress

February 23 -- Possible Vance appearance before Humphrey SFRC Subcommittee on complete Foreign Assistance package

February 24 -- Vance before Inouye's Senate Appropriations Subcommittee on the complete Foreign Assistance package

March

Early March (1 or 2) -- Long House Appropriations Subcommittee hearings on bill

Early March -- Humphrey SFRC Subcommittee human rights hearings

-- Possible hearing on human rights in Argentina by Fraser HIRC Subcommittee

-- Hearings on Security Assistance by all concerned subcommittees

5. Main Problem Areas (by priority):

1. Korea
2. Argentina
3. Turkey
4. Nicaragua, Indonesia, Philippines, Paraguay
5. Ethiopia, Congo

Congressman Koch has submitted to the HIRC a bill "to eliminate maitenance of internal security as a purpose for which foreign military sales may be made and military assistance may be furnished."

This will probably be attached to the Security Assistance Authorization bill. If Koch fails here he may well try to attach it to the appropriations bill when it comes up in his subcommittee.